

One of the misunderstood practices of Shi'ism that has often been criticized, especially by some of the moderns, is temporary marriage of mut'ah.

It is definitely established historical fact that at the beginning of Islam, namely between the commencement of the revelation and the migration of the Holy Prophet to Medina, temporary marriage, called mut'ah, was practiced by Muslims along with permanent marriage. As an example one can cite the case of Zubayr al-Sahabi, who married Asma, the daughter of Abu Bakr, in a temporary marriage; from this union were born 'Abdallah ibn Zubayr and 'Urwah ibn Zubayr! These figures were all among the most famous companions of the Holy Prophet. Obviously if this union were to have been illegitimate and categorized as adultery, which is one of the most grievous sins in Islam and entails heavy punishments, it would never have been performed by people who were among the foremost of the companions.

Temporary marriage was also practiced from the time of the migration until the death of the Holy Prophet. And even after that event during the rule of the first caliph and part of the rule of the second, Muslims continued to practice it until it was banned by the second caliph, who threatened those who practiced it with stoning. According to all of the sources the second caliph made the following statement: "There are two mut'ahs which existed in the time of the Prophet of God and Abu Bakr which I have banned, and I will punish those who disobey my orders. These two mut'ahs are the mut'ah concerning the pilgrimage (x) and the mut'ah concerning women.

Although at the first some of the companions and their followers were opposed to this ban by the second caliph, since that time the Sunnis have considered mut'ah marriage to be unlawful. The Shi'ites however, following the teachings of the Imams of the Household of the Prophet, continued to consider it legitimate as it was during the lifetime of the Prophet himself.

In the Quran, God says concerning the believers: "And who guard their modesty- Save from their wives or the (slaves) that their right hands possess, for then they are not blameworthy, but whosoever craveth beyond that, such are the transgressors" (Qur'an XXIII)

Also, "And those who preserve their chastity Save with their wives and those whom their right hands possess, for thus they are not blameworthy; But these seeketh more than that, these are they who are transgressors(Quran LXX 29-31) These verses were revealed in Mecca and from the time of their revelation until the Hijrah, it is well known that mut'ah marriage was practiced by Muslims. If mut'ah marriage had not been a true marriage and women who had married according to it had not be legitimate wives, certainly according to these Qur'anic verses they would have been considered to be transgressors of the law and would have been forbidden to practice mut'ah. It is thus clear that since temporary marriage was not forbidden by the Prophet it was a legitimate marriage ~~ماتكمنمذفرا~~ and not a form of adultery.

The legitimacy of the mut'ah marriage continued from the time of the hijrah until the death of the Holy Prophet as this verse, revealed after the hijrah, proves " And those of whom ye seek content(istamta'tun) from the same root as mut'ah)(by marrying them) give unto them their portions as a duty" (Qur'an IV,24) These ~~to~~ opposed to Shi'ism contend that this verse from the "Chapter on Women" was later abrogated, but the Shi'ah do not accept this view. In fact, the words of the second caliph cited above are the best proof that up to the time of his ban such marriages were still practiced. ~~by~~. ~~سارمغزكك~~ It is inconceivable that if mut'ah had been abrogated and forbidden it would have continued to be commonly practiced by Muslims during the lifetime of the Holy Prophet and after his death until the time of the second caliph; that if mut'ah had been abrogated no action would have been taken to forbid it. We cannot accept the claim that the only thing that the second caliph did was to put into action an order of prohibition and abrogation of mut'ah given by the Holy Prophet, for such a possibility is negated by the clear words of the second caliph. "There are two mut'ahs which existed in the time of the Prophet of God and Abu Bakr which I have banned, and I will punish these who disobey my orders"

From the point of view of legislation and the preservation of public interest also we must consider the legitimacy of temporary marriage like the divorce, one of the noteworthy features of Islam. It is obvious that laws and regulations are executed with the aim of preserving the vital interests of the people in a society and providing for their needs. The

legitimization of marriage among mankind from the beginning until today is an answer to the instinctive urge for sexual union. Permanent marriage has been continuously practiced among the different peoples of the world. Yet despite this fact, and all the campaigns and efforts at public persuasion that are carried out against it, there exist throughout the countries of the world, in large and small cities, both hidden and public places where illegitimate sexual union or fornication takes place. This in itself is the best proof that permanent marriage cannot fulfil the instinctive sexual desires of everyone and that a solution must be sought for the problem.

Islam is a universal religion and in its legislation takes all types of human beings into consideration. Considering the fact that permanent marriage does not satisfy the instinctive sexual urge of certain men and that adultery and fornication are according to Islam among the most deadly of poisons, destroying the order and purity of human life, Islam has legitimized temporary marriage under special conditions by virtue of which it becomes distinct from adultery and fornication and free of their evils and corruptions. These conditions include the necessity for the woman to be single, to become married temporarily to only one man at one time, and after divorce to keep a period during which she cannot be remarried ('iddah) half of the time that is required after the permanent marriage. The legitimizing of temporary marriage in Islam is done with the aim of allowing within the sacred law possibilities that minimize the evils resulting from the passions of men, which if not channeled lawfully manifest themselves in much more dangerous ways outside the structure of religious law.

Note: (x) The Mut'ah concerning the pilgrimage means the union of Umrah & Haj.